



# TOWN OF NEW WINDSOR

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**TOWN ATTORNEY**  
MICHAEL D. BLYTHE, ESQ.

May 15, 2008

Mr. Ed Biagini  
P. O. Box 457  
Washingtonville, NY 10992

Re: Rakowicki Subdivision

Dear Ed:

This letter is to confirm various discussions and the agreement arrived at during the meeting with the Supervisor, Planning Board Chairman, Planning Board Engineer, Building Inspector, Highway Superintendent, and Town Attorney on May 13, 2008. At the outset, it is important that it is clear that you have agreed that all work is to stop until the outstanding issues listed below are resolved and you have received permission from the Town to resume construction.

In order to get the project back on track, you and the Town have agreed as follows:

1. You have agreed to provide as-built surveys to the Town properly formatted to be inputted into the computer data system in use by the Town. This will require acceptance by Mr. John McDonald of any data submitted. The as-built survey will include:
  - A. Topographical grade.
  - B. Horizontal alignment.
  - C. Curbs
  - D. Sewer lines
  - E. Drainage system including ponds (with volume measurements)
  - F. As-builts' scales to be same as design plans
  - G. Sewers and catch basins to include rims and inverts.
2. Department of Health and Department of Environmental Conservation stamped plans are to be provided to Myra Mason at the building department.
3. Fencing around any drainage pond must be corrected to the satisfaction of adjoining property owners.
4. Entrance roads to the construction site are to be swept clear of mud and debris.

When the above items have been addressed, a meeting will be arranged with the Building Inspector, Town Engineer and you to confirm that the Town is satisfied with the progress of the project in order to proceed to preliminary and final approval by the Planning Board. The Design Engineer is to establish a public and private improvement bond amount as necessary. Said amounts are to be approved first by the Planning Board Engineer and finally by the Town Board. You are responsible for inspection fees based on the amounts of the bond estimates. The actual bonds must be in place prior to filing of the map with the Orange County Planning Department but you are permitted to request the bond amounts be reduced at that time in accordance with improvements already in place and inspected.

The Town requires that there be an interconnect between this subdivision and an adjacent subdivision, commonly referred to as the Nowicki Subdivision. You have agreed to construct curbing to make clear to any prospective purchaser which lots will eventually abut the connecting road. A road easement will be granted to the Town. In the event you purchase the Nowicki Subdivision, the entire connecting road will be your responsibility. Otherwise, the road will be the responsibility of "second man in".

I trust this accurately reflects the discussions and agreement between the Town of New Windsor and you. If you have any questions or concerns, please do not hesitate to contact me. Otherwise, I will assume that you will be providing the as-builts, in the proper format, in the immediate future so that we can proceed to the next step.

Very truly yours,



Michael D. Blythe  
Attorney for the Town of New Windsor

MDB/jtm

cc: George A. Green, Supervisor  
✓ Genero Argenio, Planning Board Chairman  
Mark J. Edsall, P.E., Planning Board Engineer  
Michael Babcock, Building Inspector  
Anthony Fayo, Highway Superintendent